

ORDINANCE NO. -2005

AN ORDINANCE REPEALING BOCC ORDINANCE 011-2004 AND AMENDING THE MONROE COUNTY LAND DEVELOPMENT REGULATIONS BY CREATING SEC. 9.5-21(i) AUTHORIZING MONROE COUNTY BOARD OF COUNTY COMMISSIONERS TO ESTABLISH BY RESOLUTION, FEES TO BE CHARGED BY THE MONROE COUNTY GROWTH MANAGEMENT DIVISION FOR LAND DEVELOPMENT APPLICATIONS, PERMITS, APPROVALS, AND APPEALS, AMENDING SECTIONS 9.5-491(a) FAIR SHARE TRANSPORTATION IMPACT FEE; SEC. 9.5-492 (c) FAIR SHARE COMMUNITY PARK IMPACT FEE; SEC. 9.5-493(c) FAIR SHARE LIBRARY IMPACT FEE; SEC. 9.5-494(b) FAIR SHARE SOLID WASTE IMPACT FEE; SEC. 9.5-495(b) FAIR SHARE POLICE FACILITIES IMPACT FEE; AND SEC. 9.5-522 FILING FEES FOR MAP PETITIONS AND ADMINISTRATIVE APPEALS WHICH DO NOT REFLECT THE PRESENT IMPACT FEES AND FILING FEES ADOPTED BY MORE RECENT RESOLUTIONS OF THE MONROE COUNTY BOARD OF COUNTY COMMISSIONERS; PROVIDING FOR REPEAL OF ALL ORDINANCES INCONSISTENT HERewith; PROVIDING FOR INCORPORATION INTO THE MONROE COUNTY CODE OF ORDINANCES; AND PROVIDING FOR AN EFFECTIVE DATE.

WHEREAS, Board of County Commissioners Ordinance 011-2004 contained scrivener's errors when signed; and

WHEREAS, to correct the scrivener's errors this ordinance shall be repealed and replaced with a new ordinance containing the content of the previous ordinance; and

WHEREAS, The impact fees established in Sec. 9.5 491(a) Fair share transportation impact fee; Sec. 9.5-492 (c) Fair share community park impact fee; Sec. 9.5-493(c) Fair share library impact fee; Sec. 9.5-494(b) Fair share solid waste impact fee; and Sec. 9.5-495(b) Fair share police facilities impact fee were adopted by resolutions of the Monroe County Board of County Commissioners in 1989; and

WHEREAS, these fees do not reflect the present day fees that were established by more recent 1992 and 1993 resolutions of the County Commission; and

WHEREAS, at the time that the newer impact fee schedules were established, the previous fees were inadvertently not deleted; and

WHEREAS, this deletion removes those older fees that are no longer applicable; and

WHEREAS, Sec.9.5-522. Filing fees for map petitions and administrative appeals were adopted by ordinance of the Board of County Commissioners in 1987; and

WHEREAS, These fees were revised and adopted by resolution of the Board of County Commissioners in 2003; and

WHEREAS, the Sec. 9.5-522 was inadvertently not deleted; and

WHEREAS, these proposed text changes were reviewed and recommended for approval by the DRC on January 15, 2004 and the Planning Commission on February 11, 2004.

WHEREAS, the Monroe County Board of County Commissioners finds that the proposed change is consistent with Section 9.5-511(d)(5) b. (iv) New Issues and (V) Recognition of a need for additional detail or comprehensiveness; and

WHEREAS, Monroe County Board of County Commissioners finds that the proposed change is consistent with the goals of the Monroe County Year 2010 Comprehensive Plan; and

NOW THEREFORE, BE IT ORDAINED BY THE BOARD OF COUNTY COMMISSIONERS OF MONROE COUNTY, FLORIDA, that :

~~Strike through text~~ is deleted.

Underlined text is new.

Section 1. Board of County Commissioners Ordinance 011-2004 is hereby repealed in it's entirety.

Section 2. Create new Section 9.5-21 (i) as follows:

Section 9.5-21. Board of County Commissioners

- (i) To establish, by resolution, a schedule of fees to be charged by the Growth Management Division (GMD) to persons filing land development permit applications, land development approval applications, and land development order applications however styled, and any land development order appeal however styled. In establishing the fee amounts, the GMD Director shall present evidence to the Board of the cost incurred by the GMD in staff time, and material expended, that are usually required to review the particular item that is the subject of the proposed fee. The overall general administrative and operational overhead of the GMD may not be included in the fee amount. While mathematical exactitude is not required, no fee adopted by the Board pursuant to this subsection may be in excess of the amount reasonably supported by the evidence submitted by the GMD Director regarding the staff time incurred, and material expended, usually required for the review of the particular item that is the subject of the proposed fee. Any fee resolution considered by the Board

pursuant to this subsection must be heard by the Board at a time certain public hearing with public notice provided in the same manner as the public notice required for the adoption of an ordinance under Sec. 125.66(2)(a), FS. At the public hearing, members of the public must be afforded an opportunity to comment on the proposed fees. The fees established shall generally be nonrefundable; provided, however, the GMD Director may approve a refund of up to fifty (50) percent of the fee upon good cause shown by the applicant and the finding that the refund will not result in GMD staff time costs or material costs already expended going unreimbursed.

Section 3. Amend Sec. 9.5-491 (c) as follows:

Sec. 9.5-491. Fair share transportation impact fee.

(c) Establishment of Fee Schedule: Any person who shall initiate any new land development activity generating traffic, ~~except those preparing a traffic impact analysis pursuant to subsection (d) of this section,~~ shall pay, prior to the issuance of a certificate of occupancy, either an alternate fee amount based upon the preparation of traffic impact analysis pursuant to subsection (d) of this section or, a fair share transportation fee as established by the following schedule:—resolution of the Board of County Commissioners.

Single family	\$1,610.00
Multifamily	1,415.00
Mobile home	638.00
Hotel, per room	1,744.00
Motel, per room	1,744.00
Medical office, per 1,000 sq.ft	2,315.00
Banking, per 1,000 sq.ft	3,716.00
Other office, per 1,000 sq.ft	1,822.00
Warehouse, per 1,000 sq.ft	568.00
General industrial, per 1,000 sq.ft	594.00
Retail, per 1,000 sq.ft., under 50,000 sq.ft	1,235.00
Retail, per 1,000 sq.ft., 50,000 to 99,999 sq.ft	974.00
Retail, per 1,000 sq.ft., 100,000 to 249,999 sq.ft	1,874.00
Retail, per 1,000 sq.ft., 250,000 sq.ft. and over	1,357.00
Recreational, campground, per space	1,699.00
Marina, per berth	715.00
RV park, per space	1,732.00

Section 4. Amend Section 9.5-492(c) as follows:

Sec. 9.5-492. Fair share community park impact fee.

(c) Fair Share Park Fee To Be Imposed on New Residential Land Development Activity:

Payment of fair share fee prior to issuance of certificate of occupancy:
Any person who shall initiate any new residential land development activity that places an increased demand on the county's community park facilities shall pay prior to the issuance of a certificate of occupancy, either an alternate fee amount based upon the preparation of an individual assessment pursuant to paragraph (2) of this subsection, receive a certificate of occupancy for any new residential land development activity that places an increased demand on the county's community park facilities shall pay a or, a fair share park fee as follows: established by resolution of the Board of County Commissioners.

<u>Land Use Type</u>	<u>Fee</u>
Permanent residential unit	\$128.40
Transient residential unit	107.00

Section 5. Amend Section 9.5-493(c)(1) as follows:

Sec. 9.5-493. Fair share library impact fee.

(c) Fair Share Library Fee To Be Imposed on New Residential Land Development Activity:

(1) Payment of fair share fee prior to issuance of certificate of occupancy:
Any person who shall initiate any new residential land development activity that places an increased demand on the county's library facilities shall pay, prior to the issuance of a certificate of occupancy, either a fee amount based upon the preparation of an individual assessment in paragraph (2) of this subsection or, receive a certificate of occupancy for any new residential land development activity that places an increased demand on the county's library facilities shall pay a fair share library fee as follows: established by resolution of the Board of County Commissioners.

<u>Land Use Type</u>	<u>Fee</u>
Residential unit	\$190.00

Section 6. Amend Section 9.5-494 (b)(1) as follows:

Sec. 9.5-494. Fair share solid waste impact fee.

(b) Fee Schedule:

(1) Any person who shall initiate any new land activity generating solid waste shall pay prior to the issuance of a certificate of occupancy, all land development, except for applicants who opt to make their own independent calculation, shall pay either a fee amount based upon the preparation of an individual assessment pursuant to subsection (c) of this section, or, a fair share solid waste fee, as established by the following temporary fee schedule: resolution of the Board of County Commissioners.

Permanent residential unit, per unit	\$65.04
Transient residential unit, per unit	54.18
Marina, per berth	25.80
Medical, banking and other office, per 100 square feet	6.45
Warehouse/wholesale, per 100 square feet	12.90
Restaurant (including fast food), per 100 square feet	22.58
Supermarket/convenience store, per 100 square feet	58.05
Retail under 100,000 square feet, per 100 square feet	25.80
Retail over 100,00 square feet, per 100 square feet	32.25

~~This fee schedule shall be reviewed and revised by the board of county commissioners within six (6) months of the effective date of the plan based upon a study and recommendation by the director of planning.~~

SECTION 7. Amend Section 9.5-495(b)(1) as follows:

Sec. 9.5-495. Fair share police facilities impact fee.

(b) Fair Share Police Facilities Fee To Be Imposed on New Residential Land Development Activity:

(1) Fee: Any person who shall initiate any new land development activity generating a need for police facilities except for those applicants who prepare a police facilities impact analysis pursuant to paragraph (2) of this subsection, shall pay, prior to the issuance of a certificate of occupancy, either a fee amount based upon an individual assessment pursuant to paragraph (2) of this subsection, or, a fair share police facilities fee as established by the following temporary fee schedule: resolution of the Board of County Commissioners.

Permanent residential unit, per unit	\$102.38
Transient residential unit, per unit	85.32

~~Nonresidential, per 1000 square feet ————— 136.50~~

~~This fee schedule shall be reviewed and revised by the board of county commissioners within six (6) months of the effective date of the plan based upon a study and recommendation by the director of planning.~~

SECTION 8. Amend Section 9.5-522 as follows:

Sec. 9.5-522. Filing fees for map petitions and administrative appeals. Reserved.

~~The following filing fees are hereby established pursuant to this chapter:~~

- ~~(a) For any proposal by a landowner or person having a contractual interest in property desiring to petition the board of county commissioners for an amendment to the land use district map . . . \$250.00~~
- ~~(b) Any person filing an appeal from an administrative interpretation or decision by any administrative official with respect to the provisions of this chapter and/or the comprehensive land use plan . . . 250.00~~

~~(Ord. No. 22-1987, § 1)~~

Section 9. If any section, subsection, sentence, clause, item, change, or provision of this ordinance is held invalid, the remainder of this ordinance shall not be affected by such validity.

Section 10. All ordinances or parts of ordinances in conflict with this ordinance are hereby repealed to the extent of said conflict.

Section 11. The provisions of this ordinance shall be included and incorporated in the Code of Ordinances of the County of Monroe, Florida, as an addition or amendment thereto, and shall be appropriately renumbered to conform to the uniform numbering system of the Code.

Section 12. This ordinance shall be filed in the Office of the Secretary of State of Florida, but shall not become effective until a notice is issued by

[THE REMAINDER OF THIS PAGE IS LEFT INTENTIONALLY BLANK.]

PASSED AND ADOPTED by the Board of County Commissioners of Monroe County,
Florida at a regular meeting held on the _____ day of _____, A.D., 2005.

Mayor Dixie Spehar	_____
Mayor Pro Tem Charles "Sonny" McCoy	_____
Commissioner Murray Nelson	_____
Commissioner George Neugent	_____
Commissioner David P. Rice	_____

BOARD OF COUNTY COMMISSIONERS
OF MONROE COUNTY, FLORIDA

BY _____
Mayor Dixie Spehar

(SEAL)

ATTEST: DANNY KOHLAGE, CLERK

DEPUTY CLERK

Per  
MONROE COUNTY ATTORNEY
APPROVED AS TO FORM
Date: 5/10/05